

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:09-CV-119-RLV-DCK**

ABT, INC.,

Plaintiff,

v.

**PETER JUSZCZYK and
SPORTSFIELD SPECIALTIES, INC.,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Amend Pretrial Order And Case Management Plan" (Document No. 318); and "Defendant Sportsfield's Motion For Leave To File A Surreply In Opposition To ABT's Motion To Amend Pretrial Order And Case Management Plan" (Document No. 327). These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and are ripe for disposition. Having considered the motions and the record, the Court will deny the motion to file a surreply and grant the motion to amend, with modification.

The pending "Motion To Amend..." and "Memorandum Of Law In Support..." were filed February 23, 2011, and argue that Defendants' delays in the discovery process necessitate another extension of the case deadlines. (Document Nos. 318-319). "Defendant Sportsfield's Memorandum In Opposition..." (Document No. 323) was filed February 28, 2011; and Plaintiff's "Reply In Support..." (Document No. 325) was filed March 2, 2011.

On January 28, 2011, the parties filed a joint motion to extend the deadlines for the completion of discovery, mediation, and the filing of dispositive motions, to March 4, 11, and 18, respectively. (Document No. 289). That joint motion did not seek an extension of the trial

date, and was granted as proposed. (Document No. 290). To the extent there have been unnecessary delays in this action, particularly in the discovery process, it appears that the parties share responsibility for those delays. After careful review, the Court will allow one more adjustment to the case deadlines. Further extensions of time are unlikely to be granted, barring extraordinary circumstances.

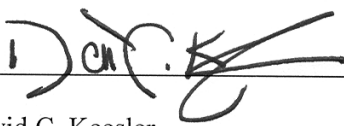
IT IS, THEREFORE, ORDERED that Plaintiff's "Motion To Amend Pretrial Order And Case Management Plan" (Document No. 318) is **GRANTED**, with modification. The case deadlines will be revised as follows:

Discovery Completion	March 18, 2011
Mediation Report	March 25, 2011
Dispositive Motions	April 1, 2011
Trial	July 2011.

IT IS FURTHER ORDERED that "Defendant Sportsfield's Motion For Leave To File A Surreply In Opposition To ABT's Motion To Amend Pretrial Order And Case Management Plan" (Document No. 327) is **DENIED**.

SO ORDERED.

Signed: March 7, 2011



David C. Keesler
United States Magistrate Judge

